

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON SEPTEMBER 17, 2007, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR MARCHAND, ASSISTANT MAYOR FERRINI, COUNCILORS GRASSO, DWYER, RAYNOLDS, PANTELAKOS, WHITEHOUSE, SMITH AND HYNES

1. At 6:00 p.m., a Reception for the Fire Department Sculpture was held in the Portsmouth Room.
2. Mayor's Awards – Little League 9-10 year old State Champions – Mayor's Awards and shirts were presented by Assistant Mayor Ferrini and Mayor Marchand to the 9-10 year old Little League State Champions.
3. Mayor's Awards – Little League 11-12 year old State Champions – Mayor's Awards and shirts were presented by Councilor Smith and Mayor Marchand to the 11-12 year old Little League State Champions.
4. Proclamation – American Legion Color Guard - Councilor Whitehouse read the Proclamation in recognition of Frank E. Booma American Legion Post 6 Color Guard winning the 2007 American Legion National Color Guard Competition. Mayor Marchand presented the Proclamation to Carl Walton who accepted it with thanks and appreciation.
5. Proclamation – International Day of Peace – Mayor Marchand read the Proclamation declaring Friday, September 21, 2007 as International Day of Peace throughout the City of Portsmouth.
6. Proclamation – Daughters of the American Revolution Constitution Week - Mayor Marchand read the Proclamation declaring the week of September 17, 2007 through September 23, 2007 as Constitution Week 2007. The Daughters of the American Revolution accepted the Proclamation with thanks and appreciation.
7. Proclamation – International Walk to School Day – Councilor Raynolds read the Proclamation declaring October 3, 2007 as International Walk to School Day in the City of Portsmouth.
8. Voted to suspend the rules in order to take up Item VIII. A. – Acceptance of Public Service of New Hampshire Energy Rebate Re: Deer Street Pump Station.
9. Acceptance of Public Service of New Hampshire Energy Rebate Re: Deer Street Pump Station – Voted to approve and accept an energy rebate in the amount of \$83,278.00 from Public Service of New Hampshire, as listed.
10. Acceptance of Minutes – August 20, 2007 – Voted to approve and accept the minutes of the August 20, 2007 City Council meeting.

11. Public Comment Session – There were four speakers: Michael Goot (Good-bye); Peter Bresciano (House Bill 404); George Hurtt (Parking on New Castle Avenue); and Peter Somssich (Labor/Portsmouth Peace Treaty Parade).
12. Public Hearing - Bartlett-Islington Street Sewer Separation Project Concerning the Public Necessity for Obtaining Permanent Easements or Other Real Property Interests in Connection with the Project – Held a public hearing.
13. Public Hearing - Ordinance amending Chapter 10, Article I, Section 10-102 – Definitions – Light Industry and Chapter 10, Article XV, by the creation of a new Section 10-1508 entitled Non-Residential Planned Unit Development (PUD-NR) – Held a public hearing. On a roll call vote 0-9, motion to table the ordinance *failed to pass*. On a unanimous roll call 9-0, voted to deny second reading of the ordinance.
14. Voted to suspend the rules in order to continue the meeting beyond 10:00 p.m.
15. Acceptance of Grant for Household Hazardous Waste Collection – Voted to accept and expend a \$4,210.39 DES grant for the purpose of household hazardous waste collection events and authorize the City Manager to execute any documents which may be necessary for this grant contract.
16. Acceptance of Donation to the New Library Building Fund - Barbara Louise Sylvester - \$950.00 – Voted to approve and accept the donation to the New Library Building Fund, as listed.
17. First reading of Ordinance amending Chapter 6, Article XIII, Section 6.1305 – Prohibited Conduct – Vendor – Vending shall be prohibited after midnight and before 7:00 a.m. – Voted to pass first reading and hold a public hearing and second reading at the October 1, 2007 City Council meeting.
18. First reading of Ordinance amending Chapter 16 by the addition of a new Article II entitled – Regulation of Discharges into Storm Water Drainage System – Voted to pass first reading and hold a public hearing and second reading at the October 1, 2007 City Council meeting.
19. First reading of Resolution Authorizing the Borrowing Through the State Revolving Fund (SRF) Loan Program, A Bond Issue and/or Notes for Costs Related to the Rye Line Pump Station Upgrade not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) – Voted to pass first reading to authorize bonding in the amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the Rye Line Pumping Station Upgrades and schedule public hearing and adoption at the October 1, 2007 City Council meeting.
20. Adoption of Resolution Regarding Bartlett-Islington Street Sewer Separation Project Concerning the Public Necessity for Obtaining Permanent Easements or Other Real Property Interests in Connection with the Project – Voted to adopt the aforementioned Resolution, as submitted.

21. Third and final reading of Ordinance amending Chapter 9 - Miscellaneous Public Welfare by the addition of a new Article VIII entitled Boarding Houses – Voted to pass third and final reading, as submitted.
22. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.335 – Use of Parking Lot Item D deleted in its entirety and amending Chapter 7, Article IX, Section 7.9 – Penalties, Forfeitures and Separability amending Section 7.901 by the addition of a new Item H – 72 Hour Parking Restrictions – Voted to pass third and final reading of the amended ordinance, as submitted.
23. Consent Agenda – Councilor Whitehouse requested that Item E - Letter from Charles Lassen and Allen Nelson, Friends of the South End regarding Infrastructure Improvements to South End be removed from the Consent Agenda.

Voted to adopt the Consent Agenda.

- A. Acceptance of Donations for the New Library Building Fund
 - Constance and David Greer - \$500.00 (*Fulfills pledge*)
 - Daniel and Sofe Buckson - \$50.00

(Anticipated action – move to approve and accept the donations to the New Library Building Fund)

- B. Acceptance of Donation to the Cemetery Committee
 - Franklin and Barbara Roth - \$100.00

(Anticipated action – move to approve and accept the donation to the Cemetery Committee)

- C. Acceptance of Police Department Donation
 - Anonymous toward Patrol Gasoline Expenses - \$100.00

(Anticipated action – move to approve and accept the donation to the Portsmouth Police Department, as listed)

- D. Letter from Zhana Morris, The Music Hall, requesting permission for parking meter bags for the 2007-2008 Season (***Anticipated action – move to refer to the City Manager with power***)

- F. Invitation from Peter Somssich inviting the City Council to participate in the Labor/Portsmouth Peace Treaty Parade on September 23, 2007 at 2:00 p.m. (***Anticipated action – move to accept and place the letter on file***)

24. Letter from Charles Lassen and Allen Nelson, Friends of the South End regarding Infrastructure Improvements to South End – Voted to accept and place the letter on file.

25. Request from Pamela Bishop, The First National Bank of Ipswich, for a sidewalk obstruction license to place 1 A-frame sign in front of establishment – Voted to refer to the City Manager with power.

26. Letter from Attorney Malcolm McNeill, Jr., McNeill, Taylor & Gallo, Re: Easement and License Plan for HarborCorp, LLC and City of Portsmouth – Voted to refer to the Planning Board for report back.
27. Letter from Tom Hall, The Portsmouth Maritime Folk Festival, requesting permission to hold outdoor performances in Market Square on Sunday, September 30, 2007 – Voted to refer to the City Manager with power.
28. Letter from Melvin “Sandy” Trefethen Re: Fernald Court Water Access Resolution – Voted to refer to the City Manager for report back. City Manager Bohenko advised the City Council that the report back will be through City Attorney Sullivan.
29. Letter from Lisa DeStefano, DeStefano Architects, requesting the City allow the exterior exit doors of 2 Ceres Street (Poco’s Cantina) be allowed to swing past the exterior wall 9 inches beyond the property line – Voted to refer to the Planning Board for report back.
30. Establish Date for Recognition of Board Service Event – Voted to establish Wednesday, November 28, 2007 for the Recognition of Board Service Event.
31. Polling Hours for November 6, 2007 Municipal Election – Moved to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 6, 2007. Motion to amend the polling hours from 8:00 a.m. to 8:00 p.m. *failed* to pass. Councilors Dwyer and Raynolds voted in favor. Assistant Mayor Ferrini, Councilors Grasso, Pantelakos, Whitehouse, Smith, Hynes and Mayor Marchand voted opposed. Main motion passed.
32. Acceptance of Management Agreement between City of Portsmouth and NH Department of Transportation Re: Scott Avenue Bridge – Voted to authorize the City Manager to enter into an Agreement, as presented to the Council, with the New Hampshire Department of Transportation for the replacement of the Scott Avenue Bridge – BHF-T-0101(015), 13678.
33. Letter from Portsmouth Housing Authority Re: Request for 99-year Lease Option on Lafayette School for the Development of Senior Housing – Voted to authorize the City Manager to negotiate and enter into an option to lease the Lafayette School to the Portsmouth Housing Authority for redevelopment as senior housing.
34. Letter from Mark McNabb, National Block II LLC, Re: License Agreement for 111 State Street – Voted to authorize the City Manager to negotiate and execute a License Agreement with National Block, II, LLC, as presented.
35. Report Back from Planning Board Re: Icon Realty, LLC Proposed Zoning Amendments – Voted to accept the recommendation of the Planning Board, as presented.

Planning Board Recommendation:

No changes to the 2005 Zoning Map.

36. Appointments to be Considered - The City Council considered the reappointment of Elias Abelson to the Board of Library Trustees and the appointment of John Rice to the Planning Board. These appointments will be voted on by the City Council at the October 1, 2007 meeting.
37. Upcoming Appointment Vacancies for the month of October - Mayor Marchand announced that there is one vacancy on the Board of Library Trustees.
38. Holiday Parade 2007 – City Manager Bohenko advised the City Council that he would be requesting the approval of a date and time for the Holiday Parade at the October 1, 2007 City Council meeting.
39. Adjournment – At 11:30 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC
City Clerk